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CONCORD, N.H.

Mr. Charles Griffin, Director
Division of Employment Security
32 South Main Street
Concord, New Hampshire

Dear Mr. Griffin:

I regret the tardy response to your letter of November 18. You asked whether members of the Appeal Tribunal are to be considered as employees of the Division of Employment Security.

It is difficult, if not impossible to give a general answer to this question. The answer would depend upon the particular statutory provision or regulation with respect to which the question arises.

In discussing this matter with Mr. Hutchinson, this morning, I was advised that you were primarily interested in whether members of the Appeal Tribunal are departmental employees within the meaning of RSA 4:15.

This section provides, in part, as follows:

"Heads of departments, assistants and employees thereof shall not be allowed as expenses travel between their places of residence and their department offices, nor shall they be allowed board or lodging while in the place in which their offices are located."

It is the opinion of this office that members of the Appeal Tribunal are employees within the meaning of RSA 4:15 and that the "necessary expenses" to which they are entitled (RSA 282:5D) are subject to the limitations contained therein.

Very truly yours,

Elmer T. Bourque
Assistant Attorney General

ETB:L